

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-35 remain pending in the present application. No new matter has been added.

In the outstanding Office Action, the declaration was indicated as defective; the drawings were objected to; the title of the invention was objected to; the abstract was objected to; Claims 1, 3, and 7-13 were rejected under 35 U.S.C. § 112, second paragraph; Claims 3, 5, 12-13, 17-18, and 27 were rejected under 35 U.S.C. § 112, first paragraph; Claims 1, 3 and 7-13 were rejected under 35 U.S.C. § 102(b) as anticipated by Kobayashi, et al. (U.S. Pat. No. 6,331,969, hereinafter "Kobayashi"); Claims 2, 4, 14-15, and 19-24 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kobayashi in view of Miyamori, et al. (U.S. Pat. No. 6,025,946, hereinafter "Miyamori"); Claim 6 was rejected under 35 U.S.C. § 103(a) as unpatentable over Kobayashi and Miyamori in view of Walsh (U.S. Pat. No. 6,480,072, hereinafter "Walsh"); Claims 16 and 25 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kobayashi and Miyamori in view of Richter, et al. (U.S. Pat. Pub. No. 2006/0072396, hereinafter "Richter"); Claims 17 and 26 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kobayashi and Miyamori in view of Kobayashi (U.S. Pat. No. 6,219,322, hereinafter "Kobayashi '322"); and Claims 18 and 27 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kobayashi and Miyamori in view of Kobayashi (Japanese Pat. No. 11-191218, hereinafter "Kobayashi '218").

Applicant and Applicant's representatives thank Examiner Bibbins and Primary Examiner Young for the courtesy of the interview granted to Applicant's representatives on July 29, 2009. The July 29, 2009, discussion is substantially summarized hereinafter.

During the interview, differences between the claimed invention and the Kobayashi and Miyamori references were discussed in detail. Examiner Bibbins and Primary Examiner Young agreed that the art of record does not disclose or suggest “a counter” as defined in independent Claims 1, 13, 18, 19, and 27. The Examiners agreed that the Amendment appeared to resolve the remaining rejections and objections including the indication of the declaration as defective, the objection to the drawings, the objection to the title, the objection to the abstract, and rejections under 35 U.S.C. § 112, first and second paragraph. However, Examiner Bibbins requested further clarification with regard to dependent Claims 12 and 17.

Therefore, the substance of the discussion regarding the outstanding rejection of Claims 12 and 17 under 35 U.S.C. § 112, first paragraph, and the objection to the drawings (specifically, Figure 6) are now presently submitted. Given the understanding seemingly reached during the interview, both the rejection and objection are believed to have been overcome. Examiner Bibbins agreed to reconsider both the rejection of Claims 12 and 17 under 35 U.S.C. § 112, first paragraph, and the objection to Figure 6, after formal submission of the present Supplemental Response.

Regarding the rejection of Claims 12 and 17 under 35 U.S.C. § 112, first paragraph, it is respectfully submitted that Claims 12 and 17, find support at least in Applicant’s Figures 6(A) and 6(B), and in the specification, as seen in at least the following paragraphs, which have been reproduced below for the Office’s convenience.¹

FIGS. 6(A) and 6(B) show in plan pit shapes of a compact disc produced from the disc master 2 and a conventional compact disc. As shown in FIG. 6(A), the conventional compact disc has pits and lands which are repeatedly formed that have lengths represented by integral multiples of the period T (basic period) of one channel clock pulse CK depending on audio data that are recorded.

¹ See page 20, line 11, to page 21, line 4, of Applicant’s specification.

As shown in FIG. 6(B), the compact disc produced from the disc master 2 has pits and lands which are repeatedly formed in the same manner as with the conventional compact disc. However, as shown by an arrow a in FIG. 6(B), the pits include pits whose lengths are equal to or greater than the period of 7T and which have a pit width locally reduced depending on the disc ID code SC1 at a position that is spaced a predetermined distance L from the edge of the pit. The disc ID code SC1 is recorded as the change or reduction in the pit width.

Compliance with the written description requirement of 35 U.S.C. § 112 only requires that the application contain sufficient disclosure, expressly or inherently, to make it clear to persons skilled in the art that the Applicant possessed the subject matter claimed. *In re Mott*, 539 F.2d 1291, 1297, 190 USPQ 536, 541 (CCPA 1976). The test for determining compliance with the written description requirement is whether the disclosure of the application as originally filed reasonably conveys to the artisan that the inventor had possession of the claimed subject matter, rather than the presence or absence of literal support in the specification for the claim language. *In re Kaslow*, 707 F.2d 1366, 1375, 217 USPQ 1089, 1096 (Fed. Cir. 1983).

Given the illustration above, it is respectfully submitted that Claims 12 and 17 are fully supported by the original claims and by the specification, and that the disclosure of the application as originally filed reasonably conveys to the artisan that the inventor had possession of the claimed subject matter. Thus, the 35 U.S.C. §112, first paragraph, rejection should be removed.

Regarding the objection to the drawings, Applicant respectfully submits that each and every feature of the invention specified in the claims is shown in the drawings. As discussed during the interview, Claims 12 and 17 find support at least in Figure 6. Thus, the features identified on page 3 of the outstanding Office Action are submitted to be present in the

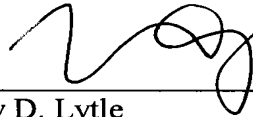
drawings. Accordingly, Applicant respectfully requests that the objection to the drawings be withdrawn.

Accordingly, the pending claims are believed to be in condition for formal allowance.

An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

Brian R. Epstein
Registration No. 60,329